

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **July 13, 2004**

AGENDA ITEM NO.: 11

CONSENT:

REGULAR: **X**

CLOSED SESSION:

ACTION: **X**

INFORMATION:

(Confidential)

ITEM TITLE: **Public Hearing Regarding Vacation of Bush Street and a portion of Keel Street**

RECOMMENDATION:

Vacate a paper street known as Bush Street and a portion of a paper street known as Keel Street.

SUMMARY:

Thomas C. Poole has requested that a paper street known as Bush Street and a portion of a paper street known as Keel Street be vacated. Mr. Thomas C. Brooks, Acres of Virginia, Inc., is representing Mr. Poole in this petition. The Technical Review Committee comments are attached.

PRIOR ACTION(S):

June 1, 2004: Technical Review Committee Review

July 6, 2004: Physical Development Committee Review

BUDGET IMPACT:

None

CONTACT(S):

Pat Kost 455-3990

Thomas C. Brooks 528-4674

ATTACHMENT(S):

- Ordinance
- Maps
- Technical Review Committee Report
- Application

REVIEWED BY: lkp

AN ORDINANCE VACATING A PAPER STREET KNOWN AS BUSH STREET AND A PORTION OF A PAPER STREET KNOWN AS KEEL STREET

WHEREAS, Thomas C. Poole has requested that the City of Lynchburg, on its own motion, vacate a paper street known as Bush Street and a portion of a paper street known as Keel Street; and

WHEREAS, the petitioner owns all of the adjoining property; and

WHEREAS, City Council finds that no public inconvenience will result from vacating these public rights of way;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lynchburg, on its own motion, and in accordance with the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, the following described public rights of way be, and the same hereby is, discontinued and vacated, namely:

"Bush Street" from the southern right of way line of Canal Street to the northern right of way line of Keel Street; "Keel Street" from the division line of tract "3" and tract "68", Thomas C. Poole property to the southern right of way line of Canal Street, inclusive of the 12' alley containing approximately 1.138 acres.

Provided, however, that an easement to locate, relocate, repair, replace, maintain and perpetually operate all utilities currently located therein or needed by the City in the future is hereby reserved unto the City of Lynchburg, and the construction of any building or structure or the use of the vacated property in any manner that could interfere with the City's right to locate, relocate, repair, replace and maintain and perpetually operate utilities is prohibited without the prior written approval of the City Manager's Office, City Utilities Division and the City Engineering Division.

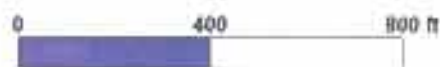
BE IT FURTHER ORDAINED That the Clerk of Council is hereby authorized and directed to deliver a duly-certified copy of this ordinance to the Clerk of the Circuit Court for the City of Lynchburg so that said certified copy of this ordinance may be recorded as deeds are recorded and indexed in the name of the City of Lynchburg.

Adopted:

Certified:

Clerk of Council

085P





THE CITY OF LYNCHBURG, VIRGINIA

Planning Division

City Hall, 900 Church Street, P.O. Box 60
Lynchburg, Virginia 24505 • (434) 455-3900
FAX • (434) 845-7630

June 14, 2004

TO: Patricia W. Kost, Clerk of Council

FROM: *amc/gw-s*
Annette M. Chénault, Planner II

RE: Street Vacation - Bush Street and Portion of Keel Street
Off Old Trents Ferry Road and Canal streets

On June 1, 2004 the Technical Review Committee (TRC) reviewed the proposed street vacations for Bush Street and a portion of Keel Street. Following are the comments:

1. Thomas C. Brooks Sr., Acres of Virginia, Inc., has submitted an application for street vacations of Bush Street and a portion of Keel Street. The proposed rights-of-way vacations must be reviewed and approved by City Council.
2. All parcels within this tract of land are proposed to be combined. The combined lots will have frontage on Old Trents Ferry Road, and the rights-of-way vacations would not land lock any lots.
3. The plat titled "Thomas Courtney Poole," by Acres of Virginia, Inc., dated May 10, 2004 shows the subject streets to be vacated. This plat must be finalized and recorded after City Council action.

Attachment

Pc: Technical Review Committee
Thomas C. Brooks, Sr., Acres of Virginia, Inc.

APPLICATION FOR THE VACATION OF
BUSH STREET AND A PORTION OF KEEL STREET
(Street/Alley)
LOCATED BETWEEN
OLD TRENTS FERRY ROAD AND CANAL STREET

The undersigned applicant, Thomas C. Poole, pursuant to the provisions of Section 15.2-2006 of the Code of Virginia, 1950, as amended, and Section 35-71 through Section 36-77 of the City Code, 1981, as amended, respectfully makes application to the Lynchburg City Council for the vacation of certain public rights of way described as follows:

"Bush Street" from the southern right of way line of Canal Street to the northern right of way line of Keel Street; "Keel Street" from the division line of tract "3" and tract "68", Thomas C. Poole property to the southern right of way line of Canal Street, inclusive of the 12' alley containing approximately 1.138 acres.

The applicant further requests the Lynchburg City Council to hold a public hearing on this application at its meeting to be held in the Council Chambers, City Hall, 900 Church Street, Lynchburg, Virginia, on July 13, 2004, at 7:30 p.m., or as soon thereafter as the matter may be heard, and at the conclusion of which hearing to consider whether or not to vacate the above described public rights of way.

Given under my hand this 14th day of May, 2004.

Thomas C. Brooks, Agent for Thomas C. Poole
Applicant

Acres of Virginia, Inc.
404 Clay Street, Lynchburg, VA 24504
Address

(434) 528-4674
Telephone Number

WE, THE ADJOINING PROPERTY OWNER(S), ARE IN AGREEMENT TO THE
VACATION OF THE ABOVE DESCRIBED PROPERTY:

NONE